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Attorneys for Defendants
E INK HOLDINGS, INC. and E INK CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

COPYTELE, INC., a Delaware
Corporation,

Plaintiff,

v.

AU OPTRONICS CORPORATION, a
Taiwanese corporation; AU OPTRONICS
CORPORATION AMERICA, a California
corporation; E INK HOLDINGS, INC., a
Taiwanese corporation; and E INK
CORPORATION, a Delaware corporation,

Defendants.

Case No. 3:13-cv-00380-EMC

**STIPULATION AND [PROPOSED]
ORDER CONTINUING THE MAY 9 CASE
MANAGEMENT CONFERENCE TO
JUNE 6, 2013**

[Civil L. R. 6-2(a)]

1 WHEREAS, on January 28, 2013, Plaintiff CopyTele, Inc. ("CopyTele") filed the above-
2 captioned action against Defendants E Ink Holdings, Inc. ("EIH"), E Ink Corporation ("EIC" and
3 collectively, "E Ink"), AU Optronics Corporation ("AUO"), and AU Optronics Corporation
4 America ("AUOA");

5 WHEREAS, EIC's and AUOA's responses to the Complaint were due on February 22,
6 2013;

7 WHEREAS, on February 15, 2013, CopyTele and EIC agreed and stipulated to an interim
8 extension until March 8, 2013, for EIC to answer or otherwise respond to the Complaint while the
9 parties finished negotiations on a final extension (Dkt. No. 18);

10 WHEREAS, on February 21, 2013, CopyTele and AUOA agreed and stipulated to an
11 interim extension until March 7, 2013, for AUOA to answer or otherwise respond to the
12 Complaint while the parties finished conferring regarding multiple issues (Dkt. No. 14);

13 WHEREAS, on March 6, 2013, CopyTele and E Ink agreed and stipulated that E Ink will
14 have until April 29, 2013, to answer or otherwise respond to the Complaint (Dkt. No. 34);

15 WHEREAS, on March 6, 2013, CopyTele, AUOA, and AUO agreed and stipulated to
16 dismiss the Complaint against AUOA, that AUO would waive service of summons pursuant to
17 Federal Rule of Civil Procedure 4, and that AUO would have until April 29, 2013, to file its
18 response to the Complaint (Dkt. No. 30);

19 WHEREAS, on March 13, 2013, the Court issued a Case Management Conference Order
20 in Reassigned Cases, which set the Case Management Conference for May 2, 2013 (Dkt. No. 36);

21 WHEREAS, on March 28, 2013, the Court reset the Case Management Conference to
22 May 9, 2013 (Dkt No. 39);

23 WHEREAS, E Ink intends to file a motion to dismiss the complaint on or before April 29,
24 2013, with a noticed hearing date of June 6, 2013;

25 WHEREAS, AUO intends to file a motion to compel arbitration on or before April 29,
26 2013, with a noticed hearing date of June 6, 2013;

27 WHEREAS, briefing on E Ink's motion to dismiss and AUO's motion to compel
28

1 arbitration will not yet be complete on May 9, 2013, when the Case Management Conference is
 2 currently scheduled;

3 WHEREAS, continuing the Case Management Conference until June 6, 2013, the
 4 anticipated hearing date on E Ink's motion to dismiss and AUO's motion to compel arbitration,
 5 would promote judicial economy and efficiency and facilitate productive case management; and

6 WHEREAS, with the Case Management Conference continued to June 6, 2013, the Case
 7 Management Conference Statement would be due on or before May 30, 2013, pursuant to Civil
 8 General Standing Order No. 6, and no other case deadline would be affected;

9 **IT IS HEREBY STIPULATED AND AGREED** that:

10 1. The Case Management Conference scheduled for May 9, 2013, be continued to
 11 June 6, 2013, at 1:30 p.m., the date and time that E Ink's motion to dismiss and AUO's motion to
 12 compel arbitration will be noticed to be heard by the Court.

13 2. Pursuant to Civil General Standing Order No. 6, the Case Management Conference
 14 Statement will be due on or before May 30, 2013.

15
 16 Dated: April 19, 2013

CROWELL & MORING LLP

/s/ Beatrice B. Nguyen

18 David J. Laing
 19 Beatrice B. Nguyen
 20 Attorneys for Defendants
 E INK HOLDINGS, INC. and E INK
 CORPORATION

21
 22 Dated: April 19, 2013

LATHAM & WATKINS LLP

/s/ Matthew Rawlinson

24 Matthew Rawlinson
 25 Attorneys for Defendant
 AU OPTRONICS CORPORATION

1 Dated: April 19, 2013

LIEFF, CABRASER, HEIMANN
& BERNSTEIN, LLP

/s/ David T. Rudolph

Eric B. Fastiff
David T. Rudolph
Melissa Gardiner
Attorneys for Plaintiff COPYTELE, INC.

7 **ATTESTATION**

8 Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest that concurrence in the
9 filing of this document has been obtained from the other signatories.

10 DATED: April 19, 2013

/s/ Beatrice B. Nguyen
Beatrice B. Nguyen

13 **[PROPOSED] ORDER**

14 **PURSUANT TO STIPULATION, IT IS SO ORDERED.** For good cause shown, the
15 Case Management Conference scheduled for May 9, 2013, is hereby continued to June 6, 2013, at
16 1:30 p.m. The parties shall file the joint Case Management Conference Statement on or before
17 May 30, 2013.

18 Dated: 4/22, 2013

